



PTO/SB/26 (09-04)

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**TERMINAL DISCLAIMER TO OBTAIN A DOUBLE PATENTING  
REJECTION OVER A "PRIOR" PATENT**

Docket Number (Optional)

P-108399.01 (CON)

In re Application of: BRUCE E. BOGGS

Application No.: 10/628,185

Filed: JULY 28, 2003

For: CARBON SCAVENGER FLY ASH PRETREATMENT METHOD

The owner\*, MAINLAND LABORATORY LTD., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term **prior patent** No. 6,599,358 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said **prior patent** is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the **prior patent** are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the **prior patent**, "as the term of said **prior patent** is presently shortened by any terminal disclaimer," in the event that said **prior patent** later:

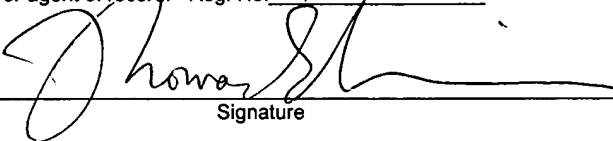
- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☒ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record. Reg. No. 29,348

  
Signature

November 9, 2004  
Date

THOMAS E. SISSON  
Typed or printed name

210-978-7700  
Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

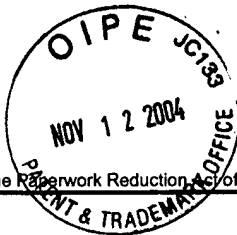
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\*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).  
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

check after 11:00

**STATEMENT UNDER 37 CFR 3.73(b)**

P-108399.01 (CON)

Applicant/Patent Owner: BRUCE E. BOGGSApplication No./Patent No.: 10/628,185 Filed/Issue Date: JULY 28, 2003Entitled: CARBON SCAVENGER FLY ASH PRETREATMENT METHOD

MAINLAND LABORATORY, LTD., a Texas limited partnership  
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.  
The extent (by percentage) of its ownership interest is \_\_\_\_\_ %

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 011863, Frame 0341, ~~or for~~ and of which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
2. From: \_\_\_\_\_ To: \_\_\_\_\_  
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☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☐ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

  
\_\_\_\_\_  
Signature

9 November 2004

Date

THOMAS E. SISSON

Printed or Typed Name

210-978-7700

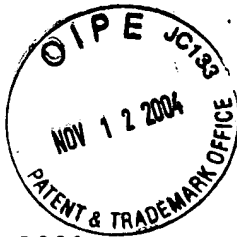
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ATTORNEY OF RECORD

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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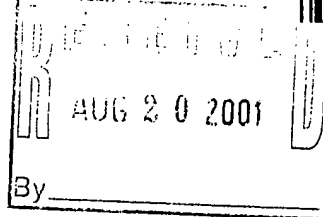
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ASSISTANT SECRETARY AND COMMISSIONER  
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AUGUST 16, 2001

JACKSON WALKER, LLP  
THOMAS E. SISSON  
112 E. PECAN, SUITE 2100  
SAN ANTONIO, TEXAS 78205

PTAS



\*101742585A\*

**UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT**

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 06/04/2001

REEL/FRAME: 011863/0341  
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:  
BOGGS, BRUCE E.

DOC DATE: 05/29/2001

ASSIGNEE:  
MAINLAND LABORATORY, LTD.  
7855 MAINLAND  
ANTONIO, TEXAS 78250

SERIAL NUMBER: 09804737  
PATENT NUMBER:

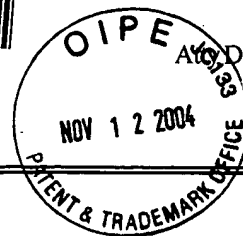
FILING DATE: 03/13/2001  
ISSUE DATE:

ANTIONE ROYALL, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

06-08-2001

101742585  
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RECORDATION



Atty. Dkt. P-108399.01(UTI)

TO: Honorable Commissioner of Patents and Trademarks:

Please record the attached original document or copy thereof.

**1. NAME OF PARTY(IES) CONVEYING AN INTEREST:**

Bruce E. Boggs

Additional name(s) of conveying party(ies) attached?

☐ Yes ☒ No**2. NAME AND ADDRESS OF RECEIVING PARTY(IES):**

Mainland Laboratory, Ltd.

7855 Mainland  
San Antonio, Texas 78250

Additional name(s) and address(es) attached?

☐ Yes ☒ No**3. NATURE OF CONVEYENCE:**☒ Assignment☐ Merger☐ Security Agreement☐ Change of Name

Date of Execution: May 29, 2001

**4. APPLICATION NUMBER(S) OR PATENT NUMBER(S):** If this document is being filed together with a new application, the execution date of the application is:A. Patent Application No. 09/804,737  
Filed: March 13, 2001  
Additional numbers attached?  
☐ Yes ☒ NoB. Patent Registration No.: Issued:  
Additional numbers attached?  
☐ Yes ☒ No**5. NAME AND ADDRESS OF PARTY TO WHOM CORRESPONDENCE CONCERNING DOCUMENT SHOULD BE MAILED:**Thomas E. Sisson  
Jackson Walker, LLP  
112 E. Pecan, Suite 2100  
San Antonio, Texas 78205**6. TOTAL NUMBER OF APPLICATIONS AND PATENTS INVOLVED:** 1**7. TOTAL FEE (37 CFR 3.41):** \$40.☒ Enclosed☒ Authorized to Charge Account No. 07-2400 for any deficiency in fees.**8. DEPOSIT ACCOUNT NUMBER 07-2400.**

(Attach duplicate copy of this form if paying by deposit account.)

DO NOT USE THIS SPACE

**9. STATEMENT AND SIGNATURE:** To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

THOMAS E. SISSON

Date

05/30/2001

**ASSIGNMENT**

WHEREAS, I, BRUCE E. BOGGS, ASSIGNOR, a citizen of the United States, residing at Kennesaw, Georgia, am the inventor of the invention entitled CARBON SCAVENGER FLY ASH PRETREATMENT METHOD, for which I have executed an application for a patent of the United States on March 13, 2001, Serial No. SN 09/804,737 \_\_\_\_\_; and

WHEREAS, MAINLAND LABORATORY, LTD., a Texas limited partnership, ASSIGNEE, is desirous of obtaining the entire right, title and interest in, to and under the same invention and the said application:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to the said ASSIGNOR in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, I, the said ASSIGNOR, have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, the entire right, title and interest in, to and under the said invention, and the said United States application and all divisions, renewals and continuations thereof, and all Patents of the United States which may be granted thereon and all reissues thereof; and all applications for industrial property protection, including, without limitation, all applications for patents, utility models, and designs which may hereafter be filed for said invention in any country or countries foreign to the United States, together with the right to file such applications and the right to claim for the same the priority rights derived from said United States application under the Patent Laws of the United States, the International Convention for the Protection of Industrial Property, or any other international agreement or the domestic laws of the country in which any such application is filed, as may be applicable; and all forms of industrial property protection, including, without limitation, patents, utility models and design which may be granted for said invention in any country or countries foreign to the United States and all extensions, renewals and reissues thereof;

AND I HEREBY authorize and request the Commissioner of Patents of the United States, and any official of any country or countries foreign to the United States, whose duty it is to issue patents or other evidence or forms of industrial property protection on applications as aforesaid, to issue the same to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND I HEREBY covenant that I have full right to convey the entire interest herein assigned, and that I have not executed, and will not execute, any agreement in conflict herewith.

AND I HEREBY further covenant and agree that I will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to me respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisions, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for said invention in all countries.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 29 day of May 2001.

Bruce E. Boggs  
Bruce E. Boggs

**WEGMAN, HESSLER & VANDERBURG****A LEGAL PROFESSIONAL ASSOCIATION  
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November 9, 2004

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(1918-1977)

\* California and Missouri only  
\*\* Registered Patent Attorney

**VIA FACSIMILE**

Thomas E. Sisson, Esq.  
Jackson Walker L.L.P.  
112 East Pecan Street  
Suite 2100  
San Antonio, Texas 78205

Re: Continuation Patent Application Serial No. 10/628,185; Filed July 28, 2003  
CARBON SCAVENGER FLY ASH PRETREATMENT METHOD  
Inventor: Bruce Boggs  
Our Docket: 020356 135P1  
Your Reference: P-108399.01(CON)

Dear Tom:

In response to your letter of November 5, 2004, please file a continuation application of Serial No. 10/628,185 so as to keep the matter pending in the U.S. Patent and Trademark Office.

Please let me know if you have any questions about this.

Sincerely,  
WEGMAN, HESSLER & VANDERBURG

Bruce E. Peacock

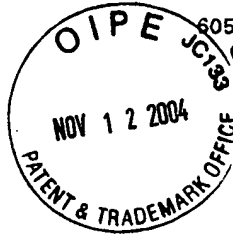
BEP:bas  
cc: Curtis Brown  
Bruce Boggs  
Brett Hickman

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CHARLES R. ENNIS  
OF COUNSEL

MARTIN J. WEGMAN  
(1918-1977)

\* California and Missouri only  
\*\* Registered Patent Attorney

## TELECOPY MESSAGE

TO: Thomas E. Sisson, Esq.  
Jackson Walker L.L.P.  
210.978.7790

FROM: Bruce E. Peacock, Esq.

DATE: November 9, 2004

NUMBER OF PAGES (INCLUDING COVER PAGE): 2

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